



Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: MARIA S. CADAVID, AICP, CSBA, SENIOR PLANNER

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THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER

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MEETING DATE: MAY 7, 2014

SUBJECT: UP14-03: A CONDITIONAL USE PERMIT TO ALLOW A

SECONDARY DWELLING, FOR APPROXIMATELY 0.87 OF AN ACRE OF REAL PROPERTY LOCATED AT 2698 EAST LINES LANE IN THE SINGLE FAMILY-35 (SF-35) ZONING DISTRICT.

STRATEGIC INITIATIVE: Community Livability

Encourage residential development that allows for a diversity of housing types for all age groups and is accessible to a range of income levels.

RECOMMENDED MOTION

Make the findings of fact and approve UP14-03: A request for a Conditional Use Permit to allow a Secondary Dwelling for approximately 0.87 of an acre of real property located at 2698 East Lines Lane in the Single Family-35 (SF-35) zoning district.

APPLICANT/OWNER

Name: Darin Hughes Name: Sid Ashcraft

Address: 3409 S. 159th Street Address: 2698 E. Lines Lane

Gilbert, AZ 85233 Gilbert, AZ 85297

Phone: 480-586-6250 Phone: 208-390-7056

Email: <u>dhughes@ryland.com</u> Email: ispuds@yahoo.com

BACKGROUND/DISCUSSION

History

Date Action

January 17, 1995 The acreage for Lines Family Estates was annexed into the Town of

Gilbert.

November 8, 1999 The final plat for Lines Family Estates subdivision was recorded.

Overview

The accessory structure includes a secondary dwelling and was completed sometime between March 2008 and November 2013. The main dwelling on the property, according to Town records, was finalized in 2006. The non-conforming structure is located on the rear half of lot 3, which is a double frontage lot with the entrance to the main house from Lines Lane and a secondary gate access from Winchester Road/Johnson Lane in the knuckle right-of-way.

A secondary dwelling unit is a permitted use under the Land Development Code (LDC), subject to the issuance of a Conditional Use Permit (CUP) by the Planning Commission. Secondary dwelling units generally require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The process for review of CUP applications is designed to evaluate possible adverse impacts and to minimize them with conditions of approval if needed.

One of the criteria for this type of use is that the primary and secondary dwellings are architecturally compatible. The primary home was finished with an intermediate tan color and a lighter hew of a tan color for the pop outs and accent banding. Brown variegated flat tile with a combination of gable and hip roof lines top the main house. The existing secondary dwelling unit closely matches materials, colors and architectural style of the primary home.

The LDC requires that the secondary dwelling unit use the same utility services provided to the primary dwelling unit. The existing secondary dwelling complies with this LDC requirement.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning District
North	Residential > 0-1 DU/Acre	Single Family-35 (SF-35)
South	Residential > 0-1 DU/Acre	Single Family-35 (SF-35)
East	Residential > 0-1 DU/Acre	Single Family-35 (SF-35)
West	Residential > 0-1 DU/Acre	Single Family-35 (SF-35)
Site	Residential > 0-1 DU/Acre	Single Family-35 (SF-35)

Project Data Table

	Existing Secondary Dwelling	LDC Regulation
Zoning	Single Family-35 (SF-35)	Single Family-35 (SF-35) zoning
		district
Lot Size:	38,003 sq. ft. (0.87 acres)	35,000 sq. ft. min.
Puilding Height:	1-story Existing SD (+/- 11'-0")	N/A
Building Height:	1-story Main residence(+/- 16'-0")	35'/two-stories
Building Area:	925 sq. ft. Existing 2 nd dwelling unit 4,320 sq. ft. Main residence 2,341 sq .ft. RV garage 234 sq. ft. Ramada	N/A
Building Setbacks:		
(Secondary Dwelling)		
Rear (north)	26'	40'
Front (south)	57' - 6" to the main house -1/3 of the secondary dwelling within the building envelope	Within the building envelope.
Side (west)	16'-9" carport of 2 nd dwelling to property line	20'
Building Coverage:	20.7%	30% maximum
Parking Required: (Secondary Dwelling)	1 – unenclosed (carport) space	1 – space minimum

FINDINGS

The Planning Commission is required to make four findings in order to approve a Conditional Use Permit. The findings are listed herein, along with the reasons why staff is of the opinion that the findings as conditioned will be met. These findings are:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.

The existing secondary dwelling unit as conditioned will not impact the neighboring uses or the community in general. The subject site is almost an acre in size, with a significant amount of open area on the eastern side of the site. Two thirds of the secondary dwelling unit is sited outside of the building envelope and although the setbacks for the secondary dwelling are not

fully met, the lot coverage is within the required percentage at 20.7%, and includes the main residence, the existing secondary dwelling and the RV garage.

2. The proposed use conforms to the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.

The General Plan land use classification for the lot is Residential > 0 - 1 du/ac. This classification designates areas for low-density single family residential development of a semi-rural, large-lot character.

The existing secondary dwelling unit is in conformance with the General Plan Vision, Goals, and Policies by providing for a diversity of quality housing types for all ages and income levels and by accommodating housing needs.

3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.

LDC Section 2.106.D requires the following for a Secondary Dwelling Unit:

• Establishment: Secondary Dwellings shall not be constructed prior to construction of the dwelling unit.

The existing secondary dwelling complies with this requirement since the Principle Dwelling according to Town records was constructed in 2006 and the additional dwelling might have been completed by the previous owner between March 2008 and November 2013.

- Number: Only 1 Secondary Dwelling is permitted on a lot or parcel.

 The subject request complies with this requirement and only 1 Secondary Dwelling has been built on the lot.
- Location: Except for Secondary Dwellings constructed over a detached garage, Secondary Dwellings shall be located within the building envelope.

 The existing Secondary Dwelling does not comply with this standard since two-thirds of the dwelling unit is located outside of the required building envelope. The current owner is concurrently seeking approval of a Variance to deviate from the setbacks requirements for the Secondary Dwelling.

Additional Standards:

• Entry: The entrance to the Secondary Dwelling shall not be visible from the public or private street on which the principal dwelling fronts.

The entrance to the Secondary Dwelling does not face the street in front of the main residence and is not substantially visible as it faces the west and is screened by a 6' masonry wall fence. However there is a direct entrance to the Secondary Dwelling and carport in front, from Winchester Drive to the rear of the lot. The masonry

property line fence has a solid double gate that accesses the RV garage and the Secondary Dwelling from Winchester Drive. The two properties to the east and west of the subject lot present the same scenario with double view-fence gates.

- Utility Service: The Secondary Dwelling shall use utility service provided to the principal dwelling.
 - The proposed Secondary Dwelling complies with this requirement.
- Off-Street Parking: The Secondary Dwelling shall provide one additional off-street parking space in conformance with Section 4.203X: Parking on Single Family Residential Lots. The space may be enclosed or unenclosed.

 The built dwelling has one (1) carport space in front of the structure.
- Internal Access: The Secondary Dwelling shall not have internal access to the principal dwelling.
 The Secondary Dwelling is separate from the principle dwelling and therefore maintains a separate building entrance from the principal dwelling unit.
- Rental: Rentals of Secondary Dwellings are permitted.
 The proposed Secondary Dwelling is intended for use by the family of the current property owner.
- *Kitchen Facilities: A full kitchen is permitted in a Secondary Dwelling unit.* A full kitchen is provided in the existing Secondary Dwelling.
- Architecture and Design: The design of the Secondary Dwelling unit shall be compatible with the design of the principal dwelling in materials, colors and architectural style.
 Staff is of the opinion that the Secondary Dwelling unit does closely resemble and match the building colors, materials and architectural style of the Primary Dwelling unit.

Staff believes that the proposed project is in compliance with Town standards and requirements established under LDC -2.106.D for Secondary Dwellings, as conditioned and pending approval of a variance request regarding setbacks.

4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

Staff is of the opinion that as conditioned, the request to maintain the existing secondary dwelling unit will not interfere with the use and enjoyment of nearby properties. To ensure the low density residential character of the neighborhood is maintained, staff added a condition regarding closure of the gates to the rear of the lot facing Winchester Drive/S. Johnson Lane when not accessing the carport in front of the secondary dwelling.

Based on the analysis of the findings above and the conditions imposed, staff is of the opinion that the proposed use, a Secondary Dwelling at 2698 E. Lines Lane meets the intent of the four findings required for granting the Conditional Use Permit.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

At the time of submitting this report, staff has not received any inquiries or written public comments for this proposal.

PROPOSITION 207

An agreement to "Waive Claims for Diminution in Value" Pursuant to A.R.S. § 12-1134 was signed by the landowner of the subject site, in conformance with Section 5.201 of the town of Gilbert Land Development Code. This waiver is located in the case file.

STAFF RECOMMENDATION

Move to make the findings of fact and approve UP14-03, a Conditional Use Permit to allow a Secondary Dwelling for approximately 0.87 of an acre of real property located at 2698 East Lines Lane in the Single Family-35 (SF-35) zoning district as requested, subject to conditions:

- 1. The Project shall be in substantial conformance with the site plan, and pictures illustrating the architectural finish and the state of maintenance of the existing Secondary Dwelling. Exhibits noted under Attachments #3 and 4.
- 2. The gates visible from the right-of-way of Winchester Drive/S. Johnson Lane shall be closed when not used to access the Secondary Dwelling.
- 3. Approval of the Use Permit is subject to the approval of the Variance (V14-06) to deviate from side setbacks for the Secondary Dwelling by the Hearing Officer.

Respectfully submitted,

Maria S. Cadavid, AICP, CSBA

María D. Cadardo

Senior Planner

Attachments:

- 1. Findings of Fact
- 2. Notice of Public Hearing
- 3. Site Plan
- 4. Rear streetscape pictures

FINDINGS OF FACT

UP14-03, Secondary Dwelling Unit at 2698 East Lines Lane

Staff provides the following findings of facts, subject to the conditions of approval provided below, to substantiate approval of the project:

- 1. The existing use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
- 2. The existing use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
- 3. The existing use as conditioned and if the Variance application (V14-06 to deviate from side setbacks) is granted, will conform with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
- 4. The existing use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

Notice of Public Hearing

PLANNING COMMISSION DATE:

Wednesday, May 7, 2013* TIME: 6:00 PM

May 7, 2014

LOCATION: Gilbert Municipal Center

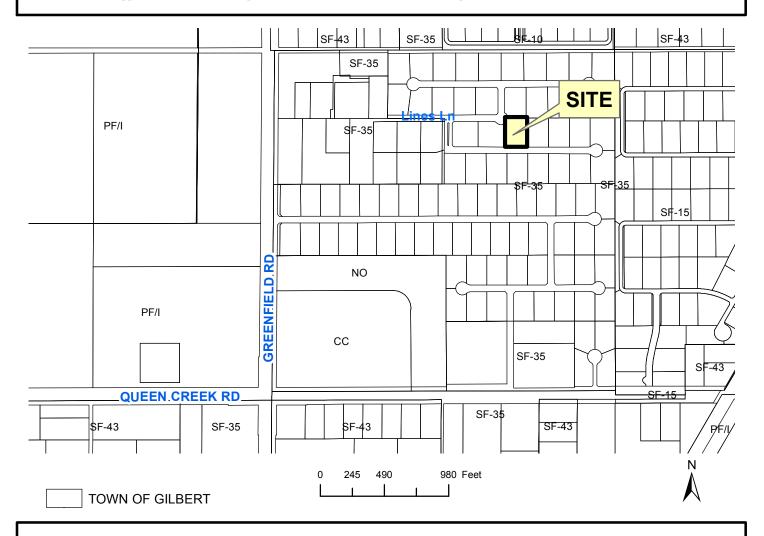
50 E. Civic Center Drive Gilbert, Arizona 85296

* Call Planning Department to verify date and time: (480) 503-6700

REQUESTED ACTION:

UP14-03: Request to approve a Conditional Use Permit for approximately 0.87 of an acre of real property located at 2698 East Lines Lane to allow a secondary dwelling in the Single Family-35 (SF-35) zoning district.

* The application is available for public review at the Town of Gilbert Development Services division M-Th-7:00-6:00.



APPLICANT: Darin Hughes CONTACT: Darin Hughes

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